

UNITED STATES DISTRICT COURT

for the
District of Vermont

Dr. Jonathan Bloom

v.

Alex Azar, in his official capacity as Secretary of
the Department of Health and Human Services

Case No.: 16-cv-121

BILL OF COSTS

Judgment having been entered in the above entitled action on 01/30/2018 against Defendant,
Date
the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ <u>700.00</u>
Fees for service of summons and subpoena	_____
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case	_____
Fees and disbursements for printing	_____
Fees for witnesses (<i>itemize on page two</i>)	<u>0.00</u>
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case.	_____
Docket fees under 28 U.S.C. 1923	_____
Costs as shown on Mandate of Court of Appeals	_____
Compensation of court-appointed experts	_____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	_____
Other costs (<i>please itemize</i>)	_____
TOTAL	\$ <u>700.00</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:



Electronic service



First class mail, postage prepaid



Other: _____

s/ Attorney: Craig S. Nolan, Esq.Name of Attorney: Craig S. Nolan, Esq.For: Jonathan A. Bloom
*Name of Claiming Party*Date: 03/01/2018

Taxation of Costs

Costs are taxed in the amount of _____ and included in the judgment.

By: _____

*Clerk of Court**Deputy Clerk**Date*

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME , CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
					TOTAL		\$0.00

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:
“Sec. 1924. Verification of bill of costs.”
“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

See also Section 1920 of Title 28, which reads in part as follows:
“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

The Federal Rules of Civil Procedure contain the following provisions:
RULE 54(d)(1)
Costs Other than Attorneys’ Fees.
Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day’s notice. On motion served within the next 7 days, the court may review the clerk’s action.

RULE 6
(d) Additional Time After Certain Kinds of Service.
When a party may or must act within a specified time after service and service is made under Rule5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)
Cost or Fee Awards:
Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

SHEEHY FURLONG & BEHM

Time And Expense Details

Report ID: OT2025 - 41439

Tuesday, February 27, 2018

Date [04/01/2016 - 02/28/2018]

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Client	Client Reporting Name	Matter	Matter Reporting Name	Billing Timekeeper
005154	Bloom, Jonathan A. DDS	00001	Bloom v. Secretary of Health a	Nolan, Craig S

Unbilled Time

Date	Timekeeper	Hours Worked	Hours To Bill	Rate	Amount	Task	Activity	Narrative
2/6/2018	CSN	0.50	0.50	350.00	\$175.00			Telecon Atty Pistorino re Court decision, potential motion for reconsideration re jurisdictional issue, potential appeal re same
2/26/2018	DMS	0.70	0.70	125.00	\$87.50			Proofread, edit motion to alter or amend judgment; file same per J. Pistorino; telecon, correspond J. Pistorino re same

Unbilled Time

Totals		1.20	1.20		\$262.50			
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Billed Time

Date	Timekeeper	Hours Worked	Hours On Bill	Rate	Amount	Task	Activity	Narrative
4/21/2016	CSN	0.90	0.00	325.00	\$0.00			Telecon client, Atty Parrish re background [0.9 hrs NO CHARGE]
	<u>Post Date</u>	<u>Status</u>	<u>Entry Date</u>	<u>Original Post Period</u>	<u>Original Post Year</u>			
	04/30/2016	Current Period	04/21/2016	4	2016			
4/22/2016	CSN	0.40	0.40	325.00	\$130.00			Correspond Atty Parrish re complaint; telecon client re suit
4/25/2016	CSN	1.10	1.10	325.00	\$357.50			Review draft complaint; correspond co-counsel, client re complaint, next steps
4/26/2016	CSN	0.40	0.40	325.00	\$130.00			Review revised complaint; correspond co-counsel re same
4/29/2016	CSN	2.00	2.00	325.00	\$650.00			Review and revise draft complaint, exhibits
5/1/2016	CSN	0.10	0.10	325.00	\$32.50			Correspond client, co-counsel re docketed complaint
5/3/2016	CSN	0.10	0.10	325.00	\$32.50			Correspond Atty Parrish re service of complaint
6/9/2016	CSN	0.10	0.10	325.00	\$32.50			Execute return of service of complaint
6/22/2016	CSN	0.20	0.20	325.00	\$65.00			Revise draft affidavit for admission pro hac vice of co-counsel
6/23/2016	AER	0.50	0.00	0.00	\$0.00			Hand-deliver two Motions for Admission Pro Hac Vice to U.S. District Court
6/24/2016	CSN	0.20	0.20	325.00	\$65.00			Telecon & correspond AUSA Ranaldo re government's motion to extend deadline for answer
8/2/2016	CSN	0.10	0.10	325.00	\$32.50			Telecon & correspond AUSA Renaldo re sentence 6 remand; correspond client, co-counsel re same
8/3/2016	CSN	0.10	0.10	325.00	\$32.50			Correspond Atty Parrish re remand request by government
8/4/2016	CSN	0.20	0.20	325.00	\$65.00			Review government's draft motion to remand
8/5/2016	CSN	0.20	0.20	325.00	\$65.00			Telecon Atty Parrish re government's draft motion to remand
8/10/2016	CSN	0.20	0.20	325.00	\$65.00			Review government's motion to remand
8/16/2016	CSN	0.30	0.30	325.00	\$97.50			Review draft of opposition to government's motion to remand
8/16/2016	JAB	1.30	0.00	0.00	\$0.00			Review draft opposition to defendant's motion for remand; review defendant's motion for remand
8/17/2016	JAB	7.70	0.00	0.00	\$0.00			Review draft opposition to defendant's motion for remand; review decision of Medicare Appeals Council and Administrative Law Judges; confer CSN re opposition brief; compose email to Atty Parrish re same; research case law re sentence six remands

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Billed Time							
Date	Timekeeper	Hours Worked	Hours On Bill	Rate	Amount Task	Activity	Narrative
8/17/2016	CSN	0.10	0.10	325.00	\$32.50		Correspond Atty Parrish re draft opposition to motion to remand
8/18/2016	JAB	8.50	0.00	0.00	\$0.00		Research sentence six and sentence four remand case law, review same; review complaint and exhibits; review revised opposition to defendant's motion for remand; review Medicare statutory provisions re coverage determinations; review cases cited in defendant's motion to remand; draft outline for arguments in opposition brief
8/19/2016	JAB	7.90	7.90	225.00	\$1,777.50		Review sentence six and sentence four remand case law; confer CSN re same; compose email to Atty Parrish re case law support for opposition brief arguments; email correspondence with Atty Parrish re same
8/20/2016	JAB	0.90	0.90	225.00	\$202.50		Compose email to Atty Parish re remand case law and suggested revisions to opposition brief
<u>Post Date</u>		<u>Status</u>		<u>Entry Date</u>	<u>Original Post Period</u>	<u>Original Post Year</u>	
08/31/2016		Current Period		08/20/2016	8	2016	
8/20/2016	JAB	1.60	0.00	0.00	\$0.00		Compose email to Atty Parish re case law support for arguments in opposition brief and suggested revisions to opposition brief
8/23/2016	CSN	0.70	0.00	0.00	\$0.00		Revise draft opposition to motion to remand
8/24/2016	CSN	2.10	2.10	325.00	\$682.50		Revise draft opposition to motion to remand
9/29/2016	CSN	4.90	4.90	325.00	\$1,592.50		Attend hearing on motion for remand; travel to/from Rutland for same; telecon Atty Parrish re same; confer AUSA Renaldo re same
9/30/2016	CSN	0.20	0.20	325.00	\$65.00		Telecon Atty Parrish re submission of proposed remand order language pertaining to deadline; review/revise same
10/3/2016	CSN	0.20	0.20	325.00	\$65.00		Review Atty Parrish's draft post-hearing memo; correspond Atty Parrish re same
10/3/2016	CSN	1.50	1.50	325.00	\$487.50		Revise draft post-hearing memo
10/5/2016	CSN	0.90	0.90	325.00	\$292.50		Revise post-hearing memo/proposed order; correspond Atty Parrish re same
10/6/2016	CSN	0.40	0.40	325.00	\$130.00		Review Secretary's post-hearing memo; telecon AUSA Renaldo re same
10/27/2016	CSN	0.10	0.10	325.00	\$32.50		Review Secretary's opposition to post-hearing memo; correspondence to Atty Parrish re same
1/3/2017	CSN	0.10	0.10	335.00	\$33.50		Correspond Atty Parrish re escalation
1/9/2017	CSN	0.10	0.10	335.00	\$33.50		Correspond Atty Parrish re administrative record, subsequent GCM claim, potential further hearing on motion for remand
1/19/2017	CSN	0.10	0.10	335.00	\$33.50		Correspond client re denial of Motion for Remand, next steps
1/20/2017	CSN	0.10	0.10	335.00	\$33.50		Correspond Attys Renaldo, Parrish re briefing schedule
1/23/2017	CSN	0.20	0.20	335.00	\$67.00		Correspond Atty Parrish re new ALJ decision, review by MAC
1/29/2017	CSN	0.20	0.20	335.00	\$67.00		Review MAC decision; correspond Atty D. Parrish, client re next steps
1/30/2017	CSN	0.10	0.10	335.00	\$33.50		Correspond Atty D. Parrish re amending complaint
1/31/2017	CSN	0.30	0.30	335.00	\$100.50		Review, revise draft Amended Complaint; correspond Atty D. Parrish re same
2/3/2017	CSN	0.90	0.90	335.00	\$301.50		Revise Amended Complaint
<u>Post Date</u>		<u>Status</u>		<u>Entry Date</u>	<u>Original Post Period</u>	<u>Original Post Year</u>	
02/28/2017		Current Period		02/03/2017	2	2017	

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Billed Time							
Date	Timekeeper	Hours Worked	Hours On Bill	Rate	Amount Task	Activity	Narrative
2/8/2017	CSN	0.50	0.50	335.00	\$167.50		Correspond Atty D. Parrish re Secretary's position on scheduling; correspond USAO re Amended Complaint; correspond Atty D. Parrish re Local Rules; telecon AUSA M. Renaldo re timing of answer/record
2/22/2017	CSN	0.20	0.20	335.00	\$67.00		Revise Opposition to Secretary's Motion for Extension to File Answer and Administrative Record; correspond Atty D. Parrish re same
4/17/2017	CSN	0.10	0.10	335.00	\$33.50		Correspond Atty Parrish re selection of ENE mediator
4/18/2017	CSN	0.10	0.10	335.00	\$33.50		Telecon clerk's office re eliminating ENE requirement in this matter; correspond Atty Parrish re same
4/19/2017	CSN	0.20	0.20	335.00	\$67.00		Telecon AUSA Renaldo re applicability of ENE (mediation) to this matter; correspond Atty Parrish re same
4/26/2017	CSN	0.10	0.10	335.00	\$33.50		Review Agency's draft motion to remove from ENE; correspond Atty Parrish, Renaldo re same
6/6/2017	CSN	0.10	0.10	335.00	\$33.50		Telecon AUSA Renaldo, court clerk re Court letter re discovery schedule
6/9/2017	CSN	0.50	0.50	335.00	\$167.50		Correspond AUSA Renaldo re scheduling order; revise proposed joint motion re same; telecons AUSA Renaldo re same
6/13/2017	CSN	0.10	0.10	335.00	\$33.50		Correspond AUSA Renaldo re motion schedule
7/10/2017	CSN	4.20	2.90	335.00	\$971.50		Revise draft motion for reversing Secretary's decision; correspond Atty Parrish re same; correspond client re same
<u>Post Date</u>		<u>Status</u>		<u>Entry Date</u>	<u>Original Post Period</u>	<u>Original Post Year</u>	
07/31/2017		Current Period		07/10/2017	7	2017	
9/20/2017	CSN	0.10	0.10	335.00	\$33.50		Telecon Atty Petrino (Parrish associate) re reply brief
<u>Post Date</u>		<u>Status</u>		<u>Entry Date</u>	<u>Original Post Period</u>	<u>Original Post Year</u>	
09/30/2017		Current Period		09/20/2017	9	2017	
9/21/2017	CSN	0.20	0.20	335.00	\$67.00		Correspond co-counsel re extension; correspond AUSA re same; draft motion to extend
9/26/2017	CSN	0.90	0.90	335.00	\$301.50		Review, revise, finalize draft reply brief; correspond Atty Parrish re same
10/11/2017	CSN	0.10	0.10	335.00	\$33.50		Correspond Atty Parrish re request by AUSA for extension
10/13/2017	CSN	0.10	0.10	335.00	\$33.50		Review sur-reply by agency
10/31/2017	CSN	0.30	0.30	335.00	\$100.50		Revise motion for leave to file notice of supplemental authority
11/13/2017	CSN	0.10	0.10	335.00	\$33.50		Correspond Atty Pistorino re reply re supplemental authority
11/16/2017	CSN	0.20	0.20	335.00	\$67.00		Revise draft reply re supplemental authority; correspond co-counsel re same
12/7/2017	CSN	0.10	0.10	335.00	\$33.50		Confer Atty Parrish re hearing
1/3/2018	CSN	0.10	0.10	350.00	\$35.00		Correspond Atty Parrish re draft letter requested by Court at hearing; review draft letter at request of Atty Parrish

Billed Time

Totals	56.50	34.00	\$10,262.50
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Billed Expenses

Date	Amount	Exp Code	Narrative
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Billed Expenses

Date	Amount	Exp Code	Narrative
4/29/2016	\$400.00	CF	U.S. DISTRICT COURT – filing fee
5/31/2016	\$41.25	PD	In-house postage -- May, 2016
6/23/2016	\$300.00	CF	U.S. DISTRICT COURT – pro hac vice admission fee (Parrish & Noonan)
9/30/2016	\$81.00	TE	CRAIG S. NOLAN; Travel to Rutland, VT 09/29/2016
9/30/2016	\$3.00	TEM	CRAIG S. NOLAN; Travel expense (parking) expense Rutland, VT 09/29/2016
2/28/2017	\$29.40	IHC	Document photocopy charge, 294 @ \$.10/copy – February, 2017

Billed Expenses

Totals	\$854.65
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	Hours Worked	Hours To Bill	Fee Amount	Expense Amount	Total Amount
Report Totals	57.70	35.20	\$10,525.00	\$854.65	\$11,379.65

*** End Of Report ***
